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RIGHT OF PEOPLES TO SELF-DETERMINATION

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 46/87 of 16 December 1991, the General Assembly, inter alia, called upon all States to implement fully and faithfully all the relevant resolutions of the United Nations regarding the exercise of the right to self-determination and independence by peoples under colonial and foreign domination; reaffirmed the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial domination, apartheid and foreign occupation in all its forms and by all available means; reaffirmed that the practice of using mercenaries against sovereign States and national liberation movements constituted a criminal act and called upon the Governments of all countries to enact legislation declaring the recruitment, financing and training of mercenaries in their territories and the transit of mercenaries through their territories to be punishable offences and prohibiting their nationals from serving as mercenaries, and to report on such legislation to the Secretary-General; expressed its appreciation for the material and other forms of assistance that peoples under colonial rule continued to receive from Governments, organizations of the United Nations system and other intergovernmental organizations, and called for a substantial increase in that assistance; and decided to consider the question at its forty-seventh session under the item entitled "Right of peoples to self-determination".

2. In its resolution 46/88 of 16 December 1991, the General Assembly, inter alia, reaffirmed that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination was a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights; requested the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation; and requested the Secretary-General to report on that issue to the Assembly at its forty-seventh session under the item entitled "Right of peoples to self-determination".

3. By its resolution 46/89, also of 16 December 1991, the General Assembly, inter alia urged all States to take the necessary steps to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to ensure, by both administrative and legislative measures, that the territory of those States and other territories under their control, as well as their nationals, were not used for the recruitment, assembly, financing, training and transit of mercenaries, or for the planning of activities designed to destabilize or overthrow the Government of any State and to fight the national liberation movements struggling against racism, apartheid, colonial domination and foreign intervention or occupation.

4. Accordingly, the Secretary-General, in a note verbale dated 10 June 1992, invited all States to communicate to him any relevant information they might wish to submit for inclusion in the report he was requested to prepare

pursuant to paragraph 6 of Assembly resolution 46/88 and paragraph 25 of resolution 46/87. As at 1 September 1992, only one reply had been received. Any additional replies will be reproduced in an addendum to the present document.

II. SUMMARY OF ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS AT ITS FORTY-EIGHTH SESSION AND BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS SUBSTANTIVE SESSION OF 1992

5. At its forty-eighth session held in January and March 1992, the Commission on Human Rights considered the item entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" at its 3rd to 7th and at its 27th, 37th and 47th meetings. The debates are reported in the relevant summary records (E/CN.4/1992/SR.3-7, 27, 37 and 47). The Commission adopted four resolutions and one decision, which related to the situation in occupied Palestine (resolution 1992/4), the situation in Afghanistan (resolution 1992/5), the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (resolution 1992/6), the question of Western Sahara (1992/18) and the situation in Cambodia (decision 1992/102).

6. At its substantive session of 1992, the Economic and Social Council, by its decision 1992/225 of 20 July 1992, after having taken note of Commission on Human Rights resolution 1992/6 on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination, approved the Commission's decision to extend the mandate of the Special Rapporteur for three years, and also approved the Commission's request to the Special Rapporteur to report to the Commission at its forty-ninth session.

III. REPLIES RECEIVED FROM GOVERNMENTS

CUBA

[Original: Spanish]

[27 July 1992]

1. At the inception of the United Nations, recognition of the inalienable right of peoples to self-determination and respect for national sovereignty had already been established as guiding principles for its formation and development. Since then, one of the main tasks of the United Nations has been to promote the right of peoples to self-determination as enshrined in its Charter.

2. The Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by the General Assembly in its historic resolution 1514 (XV) of 14 December 1960, was a landmark in this endeavour.

3. Subsequent resolutions of the General Assembly have reaffirmed this right, prominent among them resolution 2625 (XXV) of 24 October 1970 by which the Assembly approved and proclaimed the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations.

4. The cornerstones of the international legal order established after the Second World War are the right of all States to the full exercise of national sovereignty and of all peoples to self-determination, without foreign interference or intervention in matters essentially within the internal jurisdiction of States.

5. The changes in contemporary international relations which have resulted in a world dominated, in the political and military spheres, by one Power - the United States of America - make it more crucial than ever before to promote the defence of the above-mentioned principles and of other principles essential for the maintenance of international peace and security, such as the sovereign equality of States, the peaceful settlement of international disputes and the non-use of force or the threat of force or coercion.

6. Under various pretexts that have absolutely nothing to do with international law, attempts are now being made to assert an alleged uniformity among the clearly very diverse States and peoples that make up the international community and to impose a new type of relations in which the principles of sovereignty and national independence, won by the heroic struggle of peoples for their national liberation, are distorted, if not ignored. The purpose of such attempts is to establish a dangerous doctrine of limited sovereignty, which is reflected in notions such as the right of interference promoted under the pretext of emergency humanitarian assistance or so-called electoral assistance.

7. The Organization's efforts must be focused on eradicating, by the end of the century, the colonialism that still oppresses a number of peoples and territories.

8. In the Americas for instance, the situation of the island of Puerto Rico, whose people, to this day, have been denied the right to independence, is still cause for concern. As an inalienable part of the Americas, we demand Puerto Rico's right to be one of the free peoples of the world.

9. Turning to southern Africa, despite some encouraging changes in South Africa, the international community must intensify its efforts for the total and final elimination of apartheid in order to establish a majority government there.

10. In the Middle East, the Palestinian people has for over 40 years been denied the right to live in its own State. There can be no lasting peace until Israel withdraws from all the Arab and Palestinian territories occupied since 1967 and until the Palestinian people recovers its inalienable rights, particularly its right to the establishment and recognition of its own State.